

AUG 22 1997

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL

In the Matter of )  
)  
Advanced Television Systems )  
and Their Impact upon the ) MM Docket No. 87-268  
Existing Television Broadcast )  
Service )  
)

To: The Commission

**SUPPLEMENT TO PETITION FOR RECONSIDERATION**

The Christian Network, Inc., and its licensee subsidiaries ("CNI"), by its attorneys, and pursuant to the Commission's Order,<sup>1/</sup> hereby supplements its June 13, 1997, Petition for Reconsideration ("Petition")<sup>2/</sup> of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*"), insofar as requesting adjustments to the digital television ("DTV") Table of Allotments. In the Petition, CNI stated its belief that, by allowing interested parties a brief additional comment period to provide a more thorough analysis, the Commission could more efficiently and expeditiously fix discrete problems in the DTV Table of Allotments than by reviewing a plethora of separate rulemaking petitions and notification applications after the DTV Table became final. CNI

<sup>1/</sup> See *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Order, DA 97-1377 (released July 2, 1997). The Commission authorized parties that filed petitions for reconsideration to file supplemental information relating to their petitions by August 22, 1997. Id. at ¶ 7.

<sup>2/</sup> CNI submitted the Petition jointly with the following parties: Paxson Communications Corporation, Roberts Broadcasting Company, Minority Broadcasters of Santa Fe, Inc., Cocola Broadcasting Companies and DP Media of Martinsburg, Inc.

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appreciates this opportunity offered by the Commission, and, accordingly, CNI is providing herewith supplemental information regarding WHRC-TV, Norwell, MA.<sup>3/</sup>

WHRC-TV currently broadcasts on analog National Television System Committee ("NTSC") Channel 46. In the *Sixth R&O*, the Commission proposed to allocate Channel 52 as WHRC-TV's paired DTV channel — a channel presently outside of the Commission's "core spectrum." Consequently, CNI anticipates that it will be forced to relocate its digital operations at the end of the DTV transition period and to incur the costs associated with such a move. Because the Commission did not put into effect regulations that would mitigate the costs of these single and double moves, CNI has examined the possibility for immediately relocating to an available allotment in the core spectrum. Unfortunately, CNI was unable to identify any such vacant allotments which would satisfy the Commission's criteria of "no new interference."<sup>4/</sup> Accordingly, CNI urges the Commission to make efforts to alleviate the costs incurred by the few stations facing these circumstances or modify the Commission's criteria concerning such relocation. The disparity in treatment of similarly situated broadcasters, where some broadcasters must pay to relocate their digital operations but others enjoy allotments in the core spectrum, runs afoul of *Melody Music*<sup>5/</sup> and its progeny.

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<sup>3/</sup> Channel 46 of Boston, Inc., a wholly-owned subsidiary of CNI, is the licensee of television station WHRC-TV, and holds a construction permit for an auxiliary site (File No. BMPCT-960710KK).

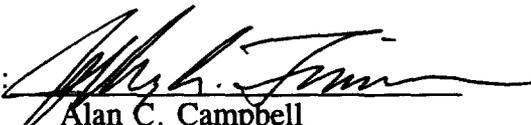
<sup>4/</sup> See *Sixth R&O* at ¶ 222; see also Technical Statement of du Treil, Lundin & Rackley, Inc. (attached hereto as Exhibit A)(the "Technical Statement").

<sup>5/</sup> *Melody Music, Inc. v. FCC*, 345 F.2d 730 (D.C. Cir. 1965).

For the reasons stated in the foregoing, and as demonstrated in the attached Technical Statement, CNI requests that the Commission act on these requests.

Respectfully submitted,

THE CHRISTIAN NETWORK, INC.

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Dated: August 22, 1997

**EXHIBIT A**

**Technical Statement**

***du Treil, Lundin & Rackley, Inc.***

A Subsidiary of A.D. Ring, P.A.

**TECHNICAL STATEMENT  
SUPPORTING COMMENTS OF  
CHANNEL 46 OF BOSTON, INC.**

This Technical Statement supports comments from Channel 46 of Boston, Inc., licensee of television (TV) station WHRC on analog channel 46 at Norwell, Massachusetts. The comments concern the Federal Communication Commission (FCC) Sixth Report and Order (6<sup>th</sup> R&O) in Mass Media (MM) Docket No. 87-268. This proceeding involves advanced television systems and their impact upon the existing television broadcast service. In the 6<sup>th</sup> R&O, the FCC assigned channel 52 to station WHRC as its digital television (DTV) allotment.

According to the FCC's TV database, station WHRC is authorized to operate on analog channel 46 with a directional antenna (DA) system. The maximum visual effective radiated power (ERP) is 501 kilowatts (kW). The antenna height above average terrain (HAAT) is 107 meters.

The FCC allotted DTV channel 52 to station WHRC, with a maximum average ERP of 50 kW at an antenna HAAT of 107 meters. The DTV allotment is within the border zone requiring coordination with Canada.

This allotment is in the densely populated northeast region of the country where the Broadcasters

***du Treil, Lundin & Rackley, Inc.***

A Subsidiary of A.D. Ring, P.A.

Channel 46 of Boston, Inc.

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Caucus is expected to provide a regional fix. The Broadcasters Caucus list of alternative DTV channels for station WHRC identifies only channel 15. It is the opinion of this firm that channel 15 is not a practical alternative DTV channel. Channels 14 and 16 are reserved for land mobile radio use in Boston, Massachusetts, only 37 kilometers (23 miles) to the north of the WHRC site. There is not sufficient distance separation to use adjacent channel 15 for DTV purposes.

We do not identify any feasible alternative DTV allotments for WHRC, unless a more desirable lower DTV channel results from the petitions for reconsideration in the DTV proceeding.

If there are questions concerning this Technical Statement, please contact the office of the undersigned.



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